

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TIM RADECKI,

Plaintiff,

v.

BANK OF AMERICA, N.A., a foreign
corporation; NATIONAL DEFAULT
SERVICING CORPORATION, a foreign
corporation; DOES I through X, inclusive; and
ROE ENTITIES XI through XX,

Defendants.

Case No.: 2:22-cv-01726-ART-EJY

ORDER APPROVING

STIPULATION TO (1) WITHDRAW MOTION
TO DISMISS AND MOTION TO EXPUNGE
LIS PENDENS, (2) PERMIT FILING OF
AMENDED COMPLAINT, AND (3) STAY
DISCOVERY PENDING COURT'S RULING
ON BANA'S MOTION TO DISMISS FIRST
AMENDED COMPLAINT
(FIRST REQUEST)

Tim Radecki and Bank of America, N.A. (**BANA**) stipulate as follows:

1. BANA agrees to withdraw its motion to dismiss and motion to expunge lis pendens with right to re-file both motions. ECF Nos. 17-18.
2. BANA consents to Radecki filing his proposed amended complaint pursuant to FRCP 15(a)(2). ECF No. 33-5. Radecki will file his amended complaint within seven days after the court approves the parties' stipulation.
3. Radecki agrees BANA may file its motion to dismiss the amended complaint within twenty-one days after Radecki files his amended complaint.
4. The parties agree that no further responsive pleading is necessary as to Radecki's original complaint.

5. Radecki consents to granting BANA's motion to stay discovery, only to the extent that discovery should be stayed until the court decides BANA's forthcoming motion to dismiss the amended complaint. ECF No. 32. Radecki also agrees to withdraw his opposition to BANA's motion to stay discovery. ECF No. 34.

6. Should the court deny BANA's forthcoming motion to dismiss the amended complaint, then the parties agree to submit a stipulated amended discovery plan within 14 days of the court's order. The parties agree to work cooperatively to select new discovery dates based on anticipated discovery needs.

7. The parties agree that if the court denies this stipulation, then this stipulation is null and void, and if such is the case, the parties agree to submit a separate stipulation extending deadlines for BANA to respond to Radecki's motion for leave to file first amended complaint and reply supporting BANA's motion to stay discovery, and that BANA's motion to dismiss and motion to expunge lis pendens will be re-filed, if necessary. ECF Nos. 17-18, 32-33.

8. The parties agree this stipulation will not prejudice any party and is not meant for delay. Instead, this stipulation is meant to streamline this case, conserve judicial resources, and avoid additional fees and costs.

DATED this 27th day of March, 2023.

AKERMAN LLP

/s/ Scott R. Lachman

MELANIE D. MORGAN, ESQ.

Nevada Bar No. 8215

SCOTT R. LACHMAN, ESQ.

Nevada Bar No. 12016

1635 Village Center Circle, Suite 200

Las Vegas, NV 89134

Attorneys for Bank of America, N.A.

THE WRIGHT LAW GROUP, P.C.

/s/ John H. Wright

JOHN HENRY WRIGHT, ESQ.

Nevada Bar No. 6182

2340 Paseo Del Prado, Suite D-305

Las Vegas, NV 89102

Attorney for Tim Radecki

ORDER

IT IS SO ORDERED.



ANNE R. TRAUM

UNITED STATES DISTRICT JUDGE

DATED: March 29, 2023